REMARKS

In the August 15, 2005 Office Action, the Examiner noted that claims 1-6 were pending in the application and rejected claims 1-6 under 35 USC § 102(b) as anticipated by U.S. Patent 6,000,053 to Levine et al. (Reference A). Claims 1-6 remain in the case. The Examiner's rejections are traversed below.

As illustrated in Fig. 4 and described at column 4, lines 11-55, Levine et al. discloses a method of **generating a parity packet** from padded data packets (in step 430 of Fig. 4) **before any data packets are transmitted** (in step 440) from a transmitting computer system to a target computer system. On the other hand, claim 1 recites "converting ... **after** said **transmitting of the data packets**, the data packets into n equal-sized data packets ... and **then converting the** n equal-sized **data packets into redundancy packets** by coding" (claim 1, lines 6-9, emphasis added). As a result, the present invention provides a benefit of avoiding delay in the transmission of data due to redundancy packet formation. When there is no packet loss, no redundancy data is needed and thus, the receiver will get the data packets faster.

In the paragraph spanning pages 2 and 3 of the Office Action, it was asserted that the limitation quoted above from claim 1 was "anticipated by '*other parity packet format[s] are also possible*" (Office Action, page 3, lines 1-2, citing column 4, lines 22-43 of Levine et al. However what is recited in the above quotation from claim 1 is not a format of a parity packet, but rather a sequence of operation that is not taught or suggested by Levine et al. Therefore, it is submitted that there is nothing in column 4, lines 22-43, or elsewhere in Levine et al. that teaches or suggests all of the limitations recited in claim 1.

The "converting the n equal-sized data packets into redundant packets" that occurs "after said transmitting of the data packets" in claim 1 requires that the "storing n data packets in a memory" (claim 1, line 3) continues after the data packets are transmitted. There is no suggestion in Levine et al. that data packets are stored after they are transmitted. Contrary to the statement in the third paragraph of item 2 on page 2 of the Office Action, the words "*data packets 310, 320, 330 ... 360 ... 380 are stored at the system 222 for transmitting then to a target computer system 225*" do not appear at column 4, lines 40-45 or anywhere else in Levine et al. There are only two occurrences of the word "*stored*" in Levine et al.: "hard disk drive 110 permits fast access to large amounts of *stored* data" (column 3, lines 23-24) and "[t]he computer readable medium can also be distributed over a network coupled computer systems so that the computer readable code is *stored* and executed in a distributed fashion" (column 3, lines 53-56). Neither of these statements or anything in column 4, lines 40-45 of Levine et al. suggests that

the data packets are held in memory for additional processing after they are transmitted, as recited in claim 1.

Furthermore, all of the independent claims recite "end-of-packet information in each data packet" (claim 1, lines 4-5, and claims 5 and 6, lines 3-4). On the other hand, Levine et al. teaches that "[p]arity packet 390 also includes a packet length portion 398 which includes packet lengths L1, L2, L3, . . . L6, . . . L8 of data packets 310, 320, 330, . . . 360, . . . 380" (column 4, lines 34-37). There is no suggestion in Levine et al. of using any other method of indicating packet length. Therefore, it is submitted that Levine et al. does not anticipate the use of end-of-packet information in each data packet as recited in the independent claims.

For the above reasons, it is submitted that Levine et al. does not anticipate claim 1 or claims 2-4 which depend therefrom.

Furthermore, claim 3 recites that "the end-of-packet information is provided by a flag byte at the end of each data packet" (claim 3, lines 1-2). As discussed above, there is no suggestion in Levine et al. of using any kind of end-of-packet information and thus, there is no suggestion of using a flag byte as recited in claim 3. In the Office Action, column 4, lines 40-43 of Levine et al. was cites as anticipating the feature recited in claim 3. This portion of Levine et al. states "Data packets 310, 320, 330, . . . 360, . . .380 and parity packet 390 may also include additional packet fields, e.g., packets headers, known to one skilled in the art and hence not described in detail." By there very name, it should be clear to anyone that "packets headers" cannot be "end-of-packet information" because they are on the wrong end of the packet. Thus, for this additional reasons, it is submitted that claim 3 and claim 4 which depends therefrom further patentably distinguishes over Levine et al.

In addition to the comments above regarding end-of-packet information at the end of each packet, claim 5 recites "transmit[ting] data packets ... prior to generating redundancy packets" (claim 5, lines 3-4) and thus, the comments above with respect to the differences in the sequence of operations according to the invention, compared to Levine et al., apply to claim 5 as well as claim 1. Claim 5 also recites that the receiver "expand[s] the data packets with the aid of padding information to form equally long data packets before the end-of-packet information is removed" (claim 5, last 2 lines). When the end-of-packet information is a flag byte, this provides the benefit of simplifying the process of determining where the padding information starts, so that it can be removed easily. No suggestion has been cited or found in Levine et al. that the header is removed after "form[ing] equally long data packets" (claim 5, last 2 lines). For at least these reasons, it is submitted that claim 5 patentably distinguishes over Levine et al.

Summary

It is submitted that <u>Levine et al.</u> does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-6 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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